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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,540	01/06/2004	Muhammad Sannah	3638-110	3315
23117 7590 01/29/2007 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER SPISICH, GEORGE D	
			ART UNIT 3616	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/29/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/751,540

Applicant(s)

SANNAH ET AL.

Examiner

George D. Spisich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities:

In the specification on at least page 6, [0027], newly submitted paragraph [0009,0021 etc.] and in the Abstract of the Disclosure, there is a description of the five bar/link mechanism. It is apparent from this description that Applicant is only describing one side of the mechanism. Examiner objects to this description of the 5-bar mechanism for the following reasons:

1) The mechanism is only described with respect to one side. It is unclear to not include the bars/links present that operate the pothole protection bar on the opposite side of the vehicle. More specifically, the "5-bar" mechanism that is said to actuate the pothole protection mechanism cannot and does not operate only one side of the pothole protection mechanism independently of the other side. Therefore, Applicant has claimed only a portion of a device that must operate as a whole to function and therefore is unclear and inaccurate to state that only a "5-bar" mechanism as described actuates the pothole protection mechanism as some of these parts are duplicated on the other side of the vehicle.

2) It is improper to include the vehicle frame (12) and the connector (40) as bars in the 5-bar mechanism. These elements are not accurately called "bars" in a 5-bar mechanism. Furthermore, the actuating member that engages the "crank arm" is an

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essential member that would be necessary to be included when referring to the actuating of the pothole protection mechanism with the "5-bar" mechanism.

3) It is not proper to define the 5-bar mechanism as actuating the pothole protection mechanism since these elements are the pothole protection mechanism (when including the pothole protection bar). This language remains to read as if the pothole protection mechanism actuates itself.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In at least claim 1, lines 13-15, claim 2, claim 11, lines 16-18, this claimed detail is unclear for the following reasons:

1) The mechanism is only described with respect to one side. It is unclear to not include the bars/links present that operate the pothole protection bar on the opposite side of the vehicle. More specifically, the "5-bar" mechanism that is said to actuate the pothole protection mechanism cannot and does not operate only one side of the pothole protection mechanism independently of the other side. Therefore, Applicant has claimed only a portion of a device that must operate as a whole to function and

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therefore is unclear and inaccurate to state that only a "5-bar" mechanism as described actuates the pothole protection mechanism as some of these parts are duplicated on the other side of the vehicle.

2) It is improper to include the vehicle frame (12) and the connector (40) as bars in the 5-bar mechanism. These elements are not accurately called "bars" in a 5-bar mechanism. Furthermore, the actuating member that engages the "crank arm" is an essential member that would be necessary to be included when referring to the actuating of the pothole protection mechanism with the "5-bar" mechanism.

3) It is not proper to define the 5-bar mechanism as actuating the pothole protection mechanism since these elements are the pothole protection mechanism (when including the pothole protection bar). This language remains to read as if the pothole protection mechanism actuates itself.

### ***Allowable Subject Matter***

Claim 16 is allowed.

Claims 1-14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

### ***Response to Arguments***

Applicant's arguments filed November 8, 2006 have been fully considered but they are not persuasive.

With respect to Applicant's argument that the vehicle frame and the connector are accurately and properly considered "bars", Examiner disagrees and maintains the position that these elements are not properly considered "bars" despite Applicant's argument that "a fundamental tenet of mechanical engineering counts the ground (in this case the vehicle frame) as a bar of a mechanism". Furthermore, Examiner argues that the vehicle frame doesn't actuate the pothole protection mechanism therefore it cannot be considered a "bar" that is included in an "actuating" mechanism.

With respect to Applicant's argument that the "5-bar" mechanism is accurately described in the specification and clearly claimed, Examiner disagrees and maintains the rejection/position as set forth in this Office Action for the stated reasons.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George D. Spisich  
January 18, 2007



 1/22/07  
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